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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. *2013-965*

11 **JANICE ANN ROESLER**
12 **aka JANICE ROESLER**
13 **201 CR 2810**
Mt. Pleasant, TX 75455

A C C U S A T I O N

14 **Registered Nurse License No. 611563**

15 Respondent.

16 Complainant alleges:

17 PARTIES

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing (Board),
20 Department of Consumer Affairs.

21 2. On or about January 8, 2003, the Board issued Registered Nurse License Number
22 611563 to Janice Ann Roesler, aka Janice Roesler (Respondent). The Registered Nurse License
23 expired on August 31, 2010, and has not been renewed.

24 JURISDICTION

25 3. This Accusation is brought before the Board, under the authority of the following
26 laws. All section references are to the Business and Professions Code (Code) unless otherwise
27 indicated.
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1 4. Code section 2750 provides, in pertinent part, that the Board may discipline any
2 licensee, including a licensee holding a temporary or an inactive license, for any reason provided
3 in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
5 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
6 to render a decision imposing discipline on the license.

7 6. Code section 2811, subdivision (b), provides, in pertinent part, that the Board may
8 renew an expired license at any time within eight years after the expiration.

9 STATUTORY PROVISIONS

10 7. Code section 2761 states:

11 "The board may take disciplinary action against a certified or licensed nurse or deny an
12 application for a certificate or license for any of the following:

13 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

14 "...

15 "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
16 against a health care professional license or certificate by another state or territory of the United
17 States, by any other government agency, or by another California health care professional
18 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
19 action.

20 "..."

21 COST RECOVERY

22 8. Code section 125.3 provides, in pertinent part, that the Board may request the
23 administrative law judge to direct a licentiate found to have committed a violation or violations of
24 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
25 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
26 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
27 included in a stipulated settlement.

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1 CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct-Out of State Discipline)

3 9. Respondent is subject to disciplinary action under Code section 2761, subdivision
4 (a)(4), in that on or about August 9, 2011, in a disciplinary action before the Texas Board of
5 Nursing, in the matter of Registered Nurse License Number 596656 and Vocational Nurse
6 License Number 140559, Respondent received a sanction of reprimand with stipulations. The
7 disciplinary action was based on Respondent's actions on or about November 29, 2008. The
8 circumstances are as follows:

9 10. On or about November 29, 2008, Respondent composed an incomplete and inaccurate
10 medical record for a twenty-nine week pregnant patient in that she failed to document, among
11 other things, complaints of decreased fetal movement.

12 11. On or about November 29, 2008, Respondent failed to notify the physician that the
13 aforementioned patient's blood pressure was significantly elevated upon arrival, that there were
14 noticeable decelerations in the fetal heart rate, and that the patient's blood pressure had not
15 normalized when the on-call physician ordered the patient's discharge.

16 12. A sonogram performed five days later indicated that the patient suffered an
17 intrauterine fetal demise.

18 PRAYER

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
20 and that following the hearing, the Board of Registered Nursing issue a decision:

21 1. Revoking or suspending Registered Nurse License Number 611563, issued to Janice
22 Ann Roesler, aka Janice Roesler;

23 2. Ordering Janice Ann Roesler, aka Janice Roesler, to pay the Board of Registered
24 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to
25 Business and Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: APRIL 25, 2013


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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